

INSTRUCTIONS TO JUDGMENT CREDITOR

To collect a Judgment, you must submit one (1) original plus two (2) copies (unless otherwise noted) of the following completed forms for each execution:

1. U.S. Marshal's Form 285 (electronic form may be obtained at <http://www.usmarshals.gov/process/usm-285.pdf>)
2. Form E-1, Application for Writ of Execution.
3. One (1) CERTIFIED copy of the Final Judgment, plus two (2) uncertified copies. Certified copies can be obtained from the Clerk for \$ 11.00 plus \$0.50 per page.
4. Form E-2, Writ of Execution.
5. If you are garnishing the judgment debtor's wages, you must complete the case caption on the following forms and submit the original and two (2) copies:
 - a. Form E-3, Summons and Notice to the Garnishee, with the name and address of the Judgment Creditor included on the lower left corner of the form.
 - b. Form E-4, Notice to Garnishee/Employer.
 - c. Form E-5, Answer of Garnishee/Employer for Wages & Salary.
 - d. Form E-6, Notice to Judgment Debtor (Employee)(Wage Garnishment), with the name and last known address of the Judgment Debtor in the lower right corner.
6. To garnish a third party holding funds (other than wages) belonging to the judgment debtor (e.g., a bank), you must complete the case caption on the following forms and submit the original and two (2) copies:
 - a. Form E-3, Summons and Notice to the Garnishee, with the name and address of the Judgment Creditor included on the lower left corner of the form.
 - b. Form E-7, Answer of Garnishee for Funds Other Than Salaries, Wages or Earnings of Judgment Debtor.
 - c. Form E-8, Notice to Judgment Debtor (Non-Wage Garnishment), with the name and last known address of the Judgment Debtor in the lower right corner
7. If you want to levy or execute upon personal or real property belonging to the judgment debtor by a non-garnishment execution, you are advised to:
 - a. Consult with the U.S. Marshal's office before filing your application for a writ of execution; and
 - b. Complete the Marshal's Form 285 with specificity, i.e., specifically describe the property involved and its location and provide other information to assist the Marshal.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

In re:

Debtor(s).

Case Number _____

Plaintiff(s),

v.

Adv Proc No _____

Defendant(s).

APPLICATION FOR WRIT OF EXECUTION

The Judgment Creditor, _____, hereby makes application to the Clerk of the United States Bankruptcy Court to issue an execution in the above case to satisfy a judgment against the judgment debtor(s) herein, _____, for \$_____, plus accrued interest in the amount of \$_____, through _____ (date), computed at the rate of _____%, plus costs formally taxed by the Clerk of the Court in the amount of \$_____. * The total amount of payments made by judgment debtor(s) on this judgment is \$_____. * The balance that remains unsatisfied as of _____ (date), including accrued interest and costs, if applicable, after payments from the judgment debtor(s) have been credited, is \$_____.

Dated: _____

Signature, Judgment Creditor/Attorney
Name, Address and Telephone No.

* Do not leave blank; enter "0."

[Attached certified copy of Final Judgment to the Application for Writ of Execution]

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

WRIT OF EXECUTION

To the United States Marshal for the Middle District of Tennessee:

You are hereby commanded to take from the property of:

(Judgment Debtor)

including the property listed below, the sum of:

(Enter Balance of Judgment corresponding to last line in Application for Writ of Execution)

to satisfy a judgment obtained by the judgment creditor in the United States Bankruptcy Court for the Middle District of Tennessee, case number _____, adversary proceeding number _____, and also the costs that may accrue under this writ.

You are further commanded to pay such monies, when collected, to the Judgment Creditor and you shall make return as to how you have executed this writ within the time allowed by law.

Description of Property*:

Date issued: _____

Clerk, U.S. Bankruptcy Court

By: _____
Deputy Clerk

* If garnishment, enter "Garnishment."

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

In re:

Debtor(s).

Case Number _____

Plaintiff(s),

v.

Adv Proc No _____

Defendant(s).

SUMMONS AND NOTICE TO GARNISHEE

NOTICE: Although you have a longer time in which to answer the court concerning this garnishment, you must do the following on the same day you receive the garnishment, or on the next working day:

- (1) Determine if you possess or control money or property of the judgment debtor.
- (2) If so, within the same time period, you shall furnish a copy of this garnishment summons, a copy of the Notice to Judgment Debtor (Form E-6 if the garnishment is for wages; Form E-8 if the garnishment is not for wages), and a copy of the Notice to Garnishee/Employer (Form E-4), if the garnishment is for wages, by mailing them first class, postage prepaid, to the judgment debtor's last known address as shown by your records, or by actual delivery to the judgment debtor.
- (3) If the address shown by your records differs from that shown at the bottom of the Notice to Judgment Debtor, you shall also mail a copy of the summons and notice(s) to the latter address. If delivery is not by mail, this provision does not apply.

As required by law, T.C.A. § 26-2-203 and T.C.A. § 26-2-204, you are summoned to mail an answer within ten (10) days after the date of service of this garnishment to the Clerk, U.S. Bankruptcy Court, 701 Broadway, Nashville, TN 37203 with a copy to the Judgment Creditor. If you are an employer, you must read Form E-4 and complete Form E-5. If you are holding funds belonging to the judgment debtor other than salaries, wages or earnings, you must complete Form E-7.

FOR EMPLOYER GARNISHEE: This lien shall continue as to subsequent earnings until the total amount due is paid or satisfied, OR until the expiration to the employer's payroll period immediately prior to SIX (6) CALENDAR MONTHS after service of this garnishment, whichever occurs first. This lien shall have priority over any subsequent liens obtained. Subsequent execution shall be effective for the successive calendar month periods in the order in which they are served.

You are required to withhold the garnishment amount, or part thereof, from the employee's wages and to pay these monies not less than one time each calendar thirty (30) days to the Judgment Creditor. You are liable for failure to withhold from the employee's wages and for failure to pay these monies to the Judgment Creditor.

FOR NON-WAGE GARNISHEE (e.g., financial institution): You are required to pay any garnished funds within your possession within thirty (30) days to the Judgment Creditor.

ISSUED this ____ day of _____, 20____.

Judgment Creditor:
(Name and address of Judgment Creditor)

UNITED STATES BANKRUPTCY COURT CLERK

By: _____
Deputy Clerk

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

In re:

Debtor(s).

Case Number _____

Plaintiff(s),

v.

Adv Proc No _____

Defendant(s).

**NOTICE TO GARNISHEE/EMPLOYER: THE MAXIMUM PART OF THE AGGREGATE
DISPOSABLE EARNINGS OF AN INDIVIDUAL FOR ANY WORK WEEK WHICH IS SUBJECTED TO
GARNISHMENT MAY NOT EXCEED:**

(A) Twenty-five percent (25%) of the garnishee's disposable earnings for that week, minus \$2.50 for each of the garnishee's dependent children under the age of sixteen (16) who resides in the state of Tennessee as provided in T.C.A. § 26-2-107; or

(B) The amount by which the garnishee's disposable earnings for that week exceed thirty (30) times the federal minimum hourly wages at the time the earnings for any pay period become due and payable, minus \$2.50 for each of the garnishee's dependent children under the age of sixteen (16) who resides in the state of Tennessee, whichever is less. "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

In the case of earnings for a pay period other than a week, the weekly formula must be changed to apply to that pay period so as to exempt an equivalent percentage of disposable earnings. For example, the calculation concerning the federal minimum wage in Section (B) should be computed as follows: WEEKLY: 30 times the federal minimum wage (FMW) at the time the earnings for any pay period become due and payable; BI-WEEKLY: 2 times 30 fmw; SEMI-MONTHLY: 2 and one-sixth (2-1/6) times 30 fmw; and MONTHLY: 4 and one-third (4-1/3) times 30 fmw equals the amount to be subtracted from disposable earnings for that pay period.

If the judgment is for state or federal taxes, no disposable earnings are exempt under 15 U.S.C. § 1673(b).

Clerk, U.S. Bankruptcy Court
701 Broadway
Nashville, TN 37203

Judgment Debtor* _____
Address and _____
Telephone _____

* Information provided by Judgment Creditor.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

In re:

_____ Case Number _____
Debtor(s).

_____ Plaintiff(s),

v. _____ Adv Proc No _____

_____ Defendant(s).

ANSWER OF GARNISHEE/EMPLOYER FOR WAGES & SALARY

Comes the garnishee/employer, _____, and makes oath that, during the pay period from _____ to date of service of this garnishment:

- A. The total gross pay before any deductions was: \$ _____
- B. The Social Security & Federal Income Tax deductions were: \$ _____
- C. Subtract "B" from "A" (disposable earnings): \$ _____
- D. If wages are paid once a week, enter \$127.50; if every two weeks, enter \$255.00; if two times a month, enter \$276.25; if once a month, enter \$552.50. \$ _____
- E. Subtract "D" from "C." If "E" is \$0 or less, STOP! NO WAGES MAY BE WITHHELD! If "E" is more than \$0, go on to "F." \$ _____
- F. Divide "C" by 4. \$ _____
- G. Enter the lesser of "E" or "F." \$ _____
- H. How many children does the debtor/employee have under the age of sixteen (16) living in Tennessee? \$ _____
- I. Multiply "H" by \$2.50 if wages are paid weekly; \$5.00 if paid every two weeks; \$5.42 if paid twice a month; \$10.83 if paid monthly: \$ _____
- J. Subtract "I" from "G." This is the amount of wages to withhold. If the amount is \$0 or less, nothing should be withheld from wages. \$ _____

- ☐ Check here if no wages are due the employee.
- ☐ Check here if you no longer employ the debtor/employee.

Pursuant to T.C.A. § 26-2-204, by signing below, I certify under oath that the above information is true and correct.

Garnishee/Employer

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

In re:

Debtor(s).

Case Number _____

Plaintiff(s),

v.

Adv Proc No _____

Defendant(s).

NOTICE TO JUDGMENT DEBTOR (EMPLOYEE) (WAGE GARNISHMENT)

Your earnings have been subjected to a garnishment which has been served upon your employer. The garnishment creates a lien on a portion of your wages until the judgment is satisfied, or for six (6) months, whichever occurs first. You have the following rights:

Some of your wages are protected by state and federal law from garnishment. See Notice to your employer (Form E-4) attached to find out how much of your wages are protected from garnishment.

IF YOUR EMPLOYER IS TAKING TOO MUCH MONEY FROM YOUR WAGES:

You may file a motion to stop the garnishment with the court clerk at the address below within twenty (20) days from any improper withholding of your wages. You may wish to seek the counsel of a lawyer.

IF THE RIGHT AMOUNT OF MONEY IS BEING TAKEN FROM YOUR WAGES BUT YOU WANT TO GET THE GARNISHMENT STOPPED THROUGH A PAYMENT PLAN:

You may file a motion with the clerk asking the court for an order suspending further garnishments by the same creditor upon your paying a certain sum of money weekly, biweekly, semimonthly, or monthly to pay the judgment. The garnishment of your wages will stop for as long as you make the payments ordered by the court. You may wish to seek the counsel of a lawyer to assist you in filing this motion.

PLEASE NOTE: If you file a motion, the court may schedule a hearing to decide your motion. The clerk will notify you of the time, date and place of the hearing. You must be present at the hearing. The court clerk's office can provide you with information about legal service, but the clerk cannot recommend or refer you to a lawyer or give you legal advice.

Clerk, U.S. Bankruptcy Court
701 Broadway
Nashville, TN 37203

615-736-5584

To be provided by Judgment Creditor:

Judgment Debtor

Judgment Debtor's Last Known
Street Address

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

In re:

Debtor(s).

Case Number _____

Plaintiff(s),

v.

Adv Proc No _____

Defendant(s).

**ANSWER OF GARNISHEE FOR FUNDS OTHER THAN SALARIES,
WAGES OR EARNINGS OF JUDGMENT DEBTOR**

Comes the garnishee, _____, and makes oath as follows:

1. That, at the time of service of this garnishment, the garnishee was indebted to the judgment debtor in the amount of \$ _____ as a result of _____

2. That the garnishee had the following property, debts, or effects belonging to the judgment debtor in his possession or under his control: (If the garnishee is holding a sum of money, list the exact amount; if the property is not money, specify the type of property, debt(s) or effects.)

a. At the time of service of the garnishment: _____

b. At the time the garnisheed answered the garnishment: _____

c. Between the time of service of the garnishment and the time the garnishee answered the garnishment: _____

3. That, to the knowledge and belief of the garnishee, the following other person(s) have in his/their possession or control the following property, debts, or effects belonging to the judgment debtor: (List the name and address of any such person and describe the property, debt(s) or effects.)

Pursuant to T.C.A. § 26-2-204, by signing below, I certify under oath that the above information is true and correct.

Garnishee

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

In re:

Debtor(s).

Case Number _____

Plaintiff(s),

v.

Adv Proc No _____

Defendant(s).

NOTICE TO JUDGMENT DEBTOR(NON-WAGE GARNISHMENT)

To collect a judgment against you in this lawsuit, your money or other property has been seized by execution or garnishment. An execution allows the United States Marshal to sell the property levied upon.

READ THIS CAREFULLY. YOU MAY BE ABLE TO KEEP YOUR MONEY OR PROPERTY OR GET IT BACK. State and federal laws prevent certain types of money or property from being used to pay a judgment. Such money or property is "exempt." Examples of exempt money are: Social Security benefits, SSI, unemployment benefits, veterans' benefits, AFDC, and most government pensions. Examples of exempt property are certain health care aids and "tools of the trade." These examples of exempt money and property constitute only a partial list, and you may have other exemptions.

If you think you have exempt money or property that has been seized, you have the right to file a motion with the court clerk's office identified below claiming your exemption and asking for release or return of your money or property. YOU SHOULD ACT QUICKLY. Your motion must be filed within twenty (20) days from the date this notice was mailed to you or was given to you.

IF YOU DO NOT UNDERSTAND YOUR RIGHTS OR HOW TO EXERCISE THEM, YOU MAY WISH TO CONSULT WITH A LAWYER.

PLEASE NOTE: If you file a motion, the court may schedule a hearing to decide your motion. The clerk will notify you of the time, date and place of the hearing. You must be present at the hearing. The court clerk's office can provide you with information about legal service, but the clerk cannot recommend or refer you to a lawyer or give you legal advice.

Clerk, U.S. Bankruptcy Court
701 Broadway
Nashville, TN 37203
615-736-5584

To be provided by Judgment Creditor:

Judgment Debtor

Judgment Debtor's Last Known

Street Address _____

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

In re:

Debtor(s). Case Number _____

Plaintiff(s),

v. _____ Adv Proc No. _____

Defendants.

MOTION TO QUASH GARNISHMENT/EXECUTION & CLAIM EXEMPTION RIGHTS

The Judgment Debtor moves the Court to quash the execution or garnishment of the Judgment Debtor's money/property and to order that the money/property of the Judgment Debtor be released or returned. As grounds for the release/return of the money/property, the Judgment Debtor would show that the money/property is exempt under federal or state law because it is one or more of the following:

Check all that apply:

- | | | |
|--|--|--|
| <input type="checkbox"/> Social Security Benefits | <input type="checkbox"/> SSI Benefits | <input type="checkbox"/> AFDC Benefits |
| <input type="checkbox"/> Veteran's Benefits | <input type="checkbox"/> Exempt Government Pension | <input type="checkbox"/> Exempt Health Care Aids |
| <input type="checkbox"/> Exempt Insurance Benefits | <input type="checkbox"/> Exempt "Tools of the Trade" | <input type="checkbox"/> Wages garnished exceed |

allowable amounts under law

[] Other – Specify _____

The Judgment Debtor further states that the above money/property was garnished from the following bank/third party garnishee:

Name of bank or other garnishee, if applicable

Signature of Judgment Debtor or Attorney:

Address:

Telephone number:

CERTIFICATE OF SERVICE

I, Judgment Debtor/counsel for Judgment Debtor, hereby certify that a true and correct copy of this document has been mailed by first class mail, postage prepaid or personally delivered to the Judgment Creditor/ Judgment Creditor's Attorney* (CIRCLE ONE) on this _____ day of _____, 2002.

Signature of Judgment Debtor or Attorney

* You may obtain these addresses from the Clerk's Office, 615-736-5584.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

In re:

Debtor(s). Case Number _____

Plaintiff(s),

v. _____ Adv Proc No. _____

Defendants.

MOTION TO PAY JUDGMENT BY INSTALLMENTS

Pursuant to T.C.A. § 26-2-216, the Judgment Debtor moves the Court to be permitted to pay the Judgment Creditor _____ (frequency of payment i.e., weekly, monthly the sum of \$ _____ to begin on _____ (date) and to continue thereafter until the judgment of \$ _____ entered against the Judgment Debtor has been paid. The Judgment Debtor also requests that all further garnishments by the same Judgment Creditor against wages or salary be stayed, contingent upon compliance with such payments. The filing of this motion will stop the garnishment of wages for as long as the Judgement Debtor makes payments ordered by the Court (T.C.A § 26-2-216).

Signature of Judgment Debtor or Attorney: _____

Address and Telephone number: _____

AFFIDAVIT

STATE OF _____

COUNTY OF _____

I, Judgment Debtor, make oath that I am unable to pay the judgment rendered against me in this case with funds other than those earned by me as wages or salary. I am now employed by (list employer and address):

_____. I earn the sum of \$_____ (gross/net) which is paid _____ (describe your pay schedule e.g., every Friday, the 1st and 15th, etc.). My other sources of income are _____ which total \$_____ each month (enter N/A if none).

Judgment Debtor's Signature

Sworn to and subscribed before me this _____ day of _____, 20 ____.

Notary Public

CERTIFICATE OF SERVICE

I, Judgment Debtor/counsel for Judgment Debtor, hereby certify that a true and correct copy of this document has been mailed by first class mail, postage prepaid or personally delivered to the Judgment Creditor/ Judgment Creditor's Attorney* (CIRCLE ONE) on this _____ day of _____, 2002.

Signature of Judgment Debtor or Attorney

* You may obtain these addresses from the Clerk's Office, 615-736-5584.